IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTY FIRST DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE GODA RAGHURAM**

**WRIT PETITION NO : 18501 of 2002**

Between:

1. Alupula Rajaiah S.o.Narsaiah
   r/o.Peddapalli town, Karimnagar District
2. Alupula Sudershan S/o.Bheemaiah,
3. Smt. Sayyada Rukshsana Begum W/o.Md.Yousuf
4. Maseesha Afreen d/o.Syed Mohiuddin

(All are residents of Peddapalli town, Karimnagar District.)

**..... PETITIONERS**

AND

1. Principal Secretary, Roads and Buildings, Govt. of Andhra

Pradesh, Hyderabad.
2 The District Collector, Karimnagar District.
3 The Superintending Engineer, R&B Circle, Karimnagar District.
4 Executive Engineer, R&B Division, Peddapalli, Karimnagar.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to pass an order or directions, more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not paying the compensation for the lands in S.Nos.628,629,678 and 690 extent of 3 acres, situated at Peddapalli town, Karimnagar District as illegal, arbitrary and violates the Article 14,21 and 300-A of Constitution of India consequently direct the respondents to issue notification under the Land Acquisition Act for the lands which were acquired for road widening in the interest of justice.

**Counsel for the Petitioners :MR.N.ASHOKUMAR**

**Counsel for the Respondents : GP FOR LAND ACQUISITION**

**The Court made the following :**

**O R A L O R D E R :**

Four persons have filed the writ petition complaining that the respondents are not paying compensation for the lands in survey Nos.628, 629, 678 and 690 in an extent of Ac.3.00 in Peddapalli town Karimnagar District that allegedly was illegally taken possession by the respondents.

According to the petitioners in the widening of the Peddapalli-Karimnagar road from 33' to 99' the portion of the petitioners land in the afore said survey nos. was taken over by the respondents for the road widening. According to them a total extent of land of about Ac.3.00 was lost. Despite representations including a lawyer's notice dated 20-02-2002 claiming compensation, no response was forthcoming from the respondents and no compensation has also been paid.

The 4th respondent has filed a counter affidavit stating that the Pedapalli-Kalvasrirampur road is improved by the Command Area Development (R &B) Wing under the control of the S.R.S.P.
R & B Division, Pedapalli and handed over to the R & B Special Division in 1992 and it has since been maintained by the division. According to the counter affidavit, only in survey No. 690 a total extent of Ac.1.37 guntas is effected due to road widening and there is no encroachment in respect of survey Nos.628 and 629. It is also stated that there were no petitions and evidence of protesting (by the petitioners or others) at the time the road was laid nor was any representation for compensation submitted. As the road was laid a long time ago by the Command Area Development, the 4th respondent appears to be contending, that it has no information.

In the writ petition nothing is pleaded as to the date or month in which the petitioners' land was illegally occupied by the R & B authorities or as to what extent of each of

the petitioners' land and in which survey number or numbers there had been illegally occupation by the respondents for the alleged road widening. In such a pathetic state of the pleadings, no relief could be granted. The writ petition is accordingly dismissed. However, this dismissal does not preclude the petitioners from pursuing such alternative remedies including by way of an appropriate proceedings before the jurisdictional civil court by the petitioners herein as available in law.

The writ petition is thus dismissed. No costs.

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31-01-2005

MjI/*

To

1. Principal Secretary, Roads and Buildings, Govt. of Andhra

Pradesh, Hyderabad.
2 The District Collector, Karimnagar District.
3 The Superintending Engineer, R&B Circle, Karimnagar District.
4 Executive Engineer, R&B Division, Peddapalli, Karimnagar.

5. 2 CCs to the Govt. Pleader for Land Acquisition, High Court Buildings,

Hyderabad. (OUT)

6. 2 CD copies.